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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

PATRICK ARNOLD WHITE, PRO SE,  
also known as PATRICK A. WHITE, SR.,  
also known as PATRICK WHITE,  
TDCJ-CID No. 827179,  
Harris County Jail No. 014333,

Plaintiff,

v.

§ 2:10-CV-0137

ORLANDO GARCIA ET AL.,

Defendants.

**ORDER OF DISMISSAL**

Plaintiff PATRICK ARNOLD WHITE, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against six named defendants, and has been granted permission to proceed *in forma pauperis*.

On July 29, 2010, a Report and Recommendation was issued by the United States Magistrate Judge recommending the instant cause be dismissed with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted. Additionally, the Magistrate Judge recommended that any claims sounding in habeas corpus be dismissed without prejudice to being reasserted in a petition for habeas corpus

Plaintiff filed his Objections on August 6, 2010. To the extent the Objections are coherent, plaintiff objects, in relevant part, to the omission of any mention of the STATE BAR OF TEXAS in the Report and Recommendation. Review of plaintiff's complaint reveals no assertion of a claim of any sort against this defendant. Therefore, this defendant may be dismissed due to plaintiff's failure to state a claim.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court, as supplemented herein.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge, as supplemented herein.

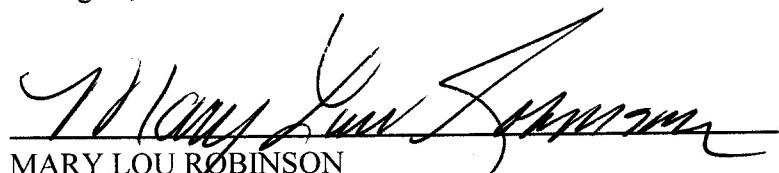
IT IS THEREFORE ORDERED that the Civil Rights Complaint by PATRICK ARNOLD WHITE is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED. ANY CLAIMS SOUNDING IN HABEAS CORPUS ARE DISMISSED WITHOUT PREJUDICE TO BEING REASSERTED IN A PETITION FOR WRIT OF HABEAS CORPUS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

Signed this the 10 day of August, 2010.

  
MARY LOU ROBINSON  
United States District Judge